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| 09/503,067      | 02/12/2000  | Nicholas R. Dono     | YO-999-567          | 6067             |

35195 7590 06/02/2003

FERENCE & ASSOCIATES  
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PITTSBURGH, PA 15143

EXAMINER

CHANG, ERIC

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2185

DATE MAILED: 06/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding:

**Office Action Summary**

Application No.

09/503,067

Applicant(s)

DONO ET AL.

Examiner

Eric Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1 and 3-31 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 3-31 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-5, 20-22 and 31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent 6,421,069 to Ludtke et al.

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5. As to claim 1, Ludtke discloses a self-describing peripheral device for being integrated with a computer operating system comprising:

[a] at least one hardware component in the device [col. 4, lines 11-13];

[b] at least one description subsystem in the device associated with at least one hardware component [col. 4, lines 11-13];

[c] said subsystem facilitates integration of said device with an operating system [col. 4, lines 48-67, and col. 5, lines 1-25]; and

[d] said at least one description subsystem comprising interface logic for interpreting commands received over an interface between said device and a computer operating system [col. 4, lines 32-39].

Ludtke teaches a hardware component that contains a description subsystem that makes available identification information and device drivers in order to facilitate integration with a computer, and the operating system thereon by using an interface on the device to retrieve descriptive information about said device.

6. As to claim 3, Ludtke discloses the device comprises:

[a] non-volatile memory [FIG. 2 element 20, and col. 4, lines 32-39]; and

[b] interface logic being adapted to control said non-volatile memory [FIG. 2 element 24, and col. 5, lines 61-67].

Ludtke teaches that the device contains a non-volatile memory, and bus interface logic whereby data and software in the firmware may be controlled via said interface logic.

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7. As to claims 4 and 21, Ludtke discloses the logic facilitates identification of said device [FIG. 3, element 25, and col. 6, lines 7-12].

8. As to claims 5 and 22, Ludtke discloses the logic facilitates the provision of information to an operating system relating to the version of said device driver [col. 5, lines 19-25]. Ludtke teaches the descriptive information contains the driver for the device; it is well known in the art that drivers usually comprise version information about themselves.

9. As to claim 20, Shah discloses a self-describing peripheral device for being integrated with a computer operating system, comprising a description subsystem on said device for facilitating integration with said operating system. Because Shah teaches the device, Shah also teaches the method of integrating said device with an operating system, substantially as claimed.

10. As to claim 31, Shah discloses a method of integrating a self-describing peripheral device with a computer operating system, said device comprising a description subsystem for facilitating integration with said operating system. Because Shah teaches the method, Shah also teaches the method may be implemented as a program of instructions stored in a program storage device, substantially as claimed.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-19 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,421,069 to Ludtke et al., in view of U.S. Patent 6,167,567 to Chiles et al.

13. As to claims 6-12 and 23-30, Ludtke teaches all of the limitations of the claims, including means to update the self-descriptive information in the device, and providing a network location where said information may be obtained [col. 5, lines 14-19]. However, Ludtke does not teach a method of updating said information whereby the method further comprises version upgrades and error handling.

Chiles teaches the method of updating the identification information and device drivers substantially as claimed, wherein the specific limitations of the claims are described below.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the update method as taught by Chiles. One of ordinary skill in the art would have been motivated to do so that the identification information and device drivers stored on the device as taught by Ludtke can be updated.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of storing device drivers and identification. Moreover, the update means taught by Chiles would improve the flexibility of Ludtke because it allowed for variations within the update process for the self-descriptive information of a device.

14. As to claims 6 and 23, Chiles discloses the logic assists an operating system in obtaining a copy of the device driver for installation [col. 3, lines 10-24].

15. As to claims 7 and 24, Chiles discloses the logic provides a network location where a recent version of a device driver is obtainable [col. 12, lines 63-65].

16. As to claims 8 and 25, Chiles discloses the logic facilitates the updating of a network location where a recent version of a device driver is obtainable [col. 31, lines 32-44].

17. As to claims 9 and 26, Chiles discloses the logic facilitates the updating of the device driver information stored on the device [col. 3, lines 10-24].

18. As to claims 10, 27 and 30, Chiles further discloses logic that compares the locally stored device driver with a remotely stored device driver to determine which one is newer [col. 15, lines 61-67 and col. 16, lines 1-5] and to prompt usage of the newer version [col. 16, lines 22-24].

19. As to claims 11 and 28, Chiles further discloses logic that prompts usage of locally stored device driver if a remotely stored device driver is not accessible [col. 15, lines 1-17]. Chiles teaches that the user is notified and prompted if the connection to the remote device driver fails.

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20. As to claims 12 and 29, Chiles further discloses logic that compares said locally stored device driver with a remotely stored device driver at predetermined time intervals [col. 15, lines 5-13 and col. 16, lines 32-43]. Chiles teaches that the logic automatically schedules a date for the next update to the device driver; that is, after the predetermined time interval as scheduled, the process to compare and update device drivers will once again occur.

21. As to claims 13-19, Ludtke teaches all of the limitations of the claims but does not specifically teach the devices that can use the limitations.

Chiles teaches that device can be a modem, graphics card, or other computer peripheral with software and firmware updates made available by its manufacturer [col. 1, lines 62-67].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the devices as taught by Chiles. One of ordinary skill in the art would have been motivated to do so that the devices are self-descriptive.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of information stored on a non-volatile memory within a device. Moreover, the devices taught by Chiles would improve the utility of Ludtke because it allowed his teachings to be applied to a variety of applications not disclosed by Ludtke.

Furthermore, it would be obvious to one of ordinary skill in the art that such devices could further comprise a printer, a sound card, IDE/SCSI disk controller, or a network controller, substantially as claimed.

***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

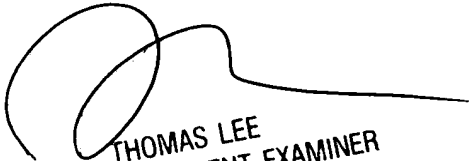
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May 29, 2003



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